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10/691,277	10/22/2003	Yoram Ofek	TFI 1848	4929
20787 7590 02/05/2008 SITRICK & SITRICK			EXAMINER	
8340 N LINCO	LN AVENUE SUITE	201	MORAN, RANDAL D	
SKOKIE, IL 60077			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)				
	10/691,277	OFEK ET AL.				
Office Action Summary	Examiner	Art Unit				
	Randal D. Moran	2135				
The MAILING DATE of this communication app	pears on the cover sheet wit	th the correspondence address				
Period for Reply	VIO OFT TO EVOIDE AM	ONTHEON OR THEORY (20) DAVE				
A SHORTENED STATUTORY PERIOD FOR REPL' WHICHEVER IS LONGER, FROM THE MAILING D  - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNIC 36(a). In no event, however, may a re will apply and will expire SIX (6) MON e, cause the application to become AB	CATION.  eply be timely filed  THS from the mailing date of this communication.  ANDONED (35 U.S.C. § 133).				
Status		•				
1)⊠ Responsive to communication(s) filed on <u>07 N</u>	lovember 2007.					
2a)⊠ This action is <b>FINAL</b> . 2b)☐ This	This action is <b>FINAL</b> . 2b) ☐ This action is non-final.					
	•					
closed in accordance with the practice under b	Ex parte Quayle, 1935 C.D	. 11, 453 O.G. 213.				
Disposition of Claims						
4)⊠ Claim(s) <u>1-14,16,17,21-40,43-96 and 99-104</u> i	s/are pending in the applic	ation.				
4a) Of the above claim(s) is/are withdra	4a) Of the above claim(s) is/are withdrawn from consideration.					
5) Claim(s) is/are allowed.						
6) Claim(s) <u>1-14,16,17,21-40,43-96 and 99-104</u> i	s/are rejected.	- (V)				
7) Claim(s) is/are objected to.	or election requirement					
8) Claim(s) are subject to restriction and/o	r election requirement.					
Application Papers	•					
9)⊠ The specification is objected to by the Examine	er.					
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.						
Applicant may not request that any objection to the	,					
Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Ex	•					
,	Agimmer. Note the attached	Office Action of John 1 10-132.				
Priority under 35 U.S.C. § 119						
<ul><li>12) ☐ Acknowledgment is made of a claim for foreign</li><li>a) ☐ All b) ☐ Some * c) ☐ None of:</li></ul>	priority under 35 U.S.C. §	119(a)-(d) or (f).				
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Burea	•	rocaived				
* See the attached detailed Office action for a list of the certified copies not received.						
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Attachment(s)	" 🗖	(DTO 442)				
Notice of References Cited (PTO-892)     Notice of Draftsperson's Patent Drawing Review (PTO-948)		Summary (PTO-413) s)/Mail Date				
3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 11/21/2003.		nformal Patent Application				
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### **DETAILED ACTION**

- 1. Claims 15, 18-20, 41, 42, 97, and 98 are cancelled. Claims 1-14, 16, 17, 21-40, 43-96, and 99-104 are pending.
- 2. This Office Action is in response to amendment filed 11/7/2007.
- 3. The IDS filed 11/21/2003 has been seen and considered by the examiner. However, the examiner finds it extremely unreasonable for the applicant to expect him to consider multiple textbooks in their entirety and has therefore skimmed only portions deemed particularly relevant to the instant application.
- 4. Below, Examiner has pointed out particular references contained in the prior art(s) of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claims, other passages and figures may apply as well. Applicant should consider the entire prior art as applicable as to the limitations of the claims. It is respectfully requested from the applicant, in preparing the response, to consider fully each reference in its entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

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## Claim Rejections - 35 USC § 101

The rejection of **Claims 1-55, 69, and 96-102** under 35 USC 101 is withdrawn in view of amendments filed 11/7/2007.

### 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 56-68 and 70-95 are rejected under 35 U.S.C. 101 because the claims are directed to non-statutory subject matter, as they do not fall under any of the statutory classes of inventions. The language in the claims raise an issue because the claims are directed merely to an abstract idea that is not tied to an article of manufacture which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

The claims could reasonably be drawn to functional descriptive material, per se, i.e., "program" may be taken to mean software alone, and as such, the claims would be directed to non-statutory subject matter.

The claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the mean of 35 USC §101.

# Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 1. Claims 2, 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
  - Considering Claim 2, it is unclear the differences between limitation "(a) stopping the sending of the streaming data packets" and limitation "(b) stopping the forwarding of the streaming data packets". For the purposes of examination and following the language presented in the claims. Only one of the limitations will be examined. Further clarification or the removal of (a) or (b) is required.
  - Considering Claim 3- line 1, recited the limitation "the rules of processing." There
     is insufficient antecedent basis for this limitation in the claim.

## Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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1. Claims 1-5, 7-14, 16, 17, 21, 23-40, 43-64, 66-96, 99-104 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agrawal et al. (US 2002/0124169), hereafter "Agrawal", in view of Andrews (US 6,574,736), hereafter "Andrews".

Considering Claims 1, 31, 37, 52, 54-56, 96 and 104, Agrawal discloses a network coupling a first computing subsystem and a second computing subsystem ([0034][0035], Fig. 1); wherein the second computing subsystem provides sending of streaming data packets containing digital media to the first computing subsystem ([0054] lines 1-4); wherein the first computing subsystem provides means for: (a) receiving of the streaming data packets containing digital media from the second computing subsystem ([0057][0058]), and (c) generating of security tags responsive to said processing of streaming data packets and sending the security tags to the second subsystem ([0052]); and wherein the second computing subsystem provides means for: (a) receiving the security tags from the first computing subsystem ([0057]), and (b) providing processing logic for validating the received security tags from the first computing subsystem ([0062]), wherein a successful validation determines that the respective security tags were properly generated responsive to said processing of streaming data packets, and wherein a failed validation determines that the respective security tags were improperly generated responsive to said processing of streaming data packets ([0062]).

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Agrawal does not explicitly disclose (b) processing of the streaming data packets containing digital media to provide at least one of audio playing on a sound device and video playing on a display device. Agrawal does suggest CD-ROMs and DVD's ([0041] lines 19-25).

Andrews discloses (b) processing of the streaming data packets containing digital media to provide at least one of audio playing on a sound device and video playing on a display device (column 7- lines 30-35, Fig. 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Agrawal by processing of the streaming data packets containing digital media to provide at least one of audio playing on a sound device and video playing on a display device as taught by Andrews for the benefit of being able to handle and play audio and digital media through a variety of computer peripherals (Andrews- [0041] lines 19-25).

Considering **Claims 10, 38, 64, 77, 79, 80, and 82-84,** Agrawal discloses a first computing subsystem (a) receiving of streaming data packets from a media server associated with the first computing subsystem, and providing processing of the streaming data packets ([0033] lines 1-3), responsive to defined rules for processing streaming data packets ([0038] lines 11-17), and (b) generation of security tags and

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selectively sending of the security tags to said media server associated with the first computing subsystem ([0052], [0058]); the system further comprising: a plurality of software logic modules each operable stand-alone to provide a respective one of a plurality of subtask functions associated with operations on the first computing subsystem ([0033][0034], Fig. 1, Fig. 4).

Agrawal does not explicitly disclose a transformation controller for interlocking the plurality of software logic modules into a single logic program; wherein the combined functionality is only provided when the plurality of subtask functions are executed responsive to the single logic program. Agrawal does suggest the routing protocol that is used is Cluster Based Routing Protocol (CBRP), which is suitable for a large network of a number of nodes, each having an identifier (ID). The entire network 10 is divided into a number of overlapping or disjoint 2-hop diameter clusters as depicted in FIG. 1 ([0033][0034]).

Andrews discloses a transformation controller providing interlocking the plurality of software logic modules into a single logic program that provides a combined functionality (column 5- lines 63-65); wherein the combined functionality is only provided by the first computing subsystem when the plurality of subtask functions are executed concurrently responsive to the single logic program (column 6- lines 18-33, col. 16- lines 16-31).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Agrawal by a transformation controller for interlocking the plurality of software logic modules into a single logic program; wherein the combined functionality is only provided when the plurality of subtask functions are executed responsive to the single logic program as taught by Andrews in order to provide the advantages of object oriented programming. An advantage of object-oriented programming is the ability to incorporate logic for a particular set of related functions into a single software component. Consequently, software developers can build an application by assembling a set of software components, reusing proven software components without having to reexamine their logic. The ability to reuse software components (sometimes called "reusability") leads to more efficient application development. The two applications may be combined (or "composed") into an overall application, exchanging data among the software components (Andrews-col. 3- lines 18-37).

Considering **Claims 2, 27, and 28,** the combination of Agrawal and Andrews discloses a transmission/forwarding controller for stopping the sending of the streaming data packets responsive to the defined validation logic of the selectively transmitted security tag vectors (Agrawal- [0062] lines 11-19, Andrews- column 22- lines 1-9)).

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Considering **Claims 3 and 103**, the combination of Agrawal and Andrews discloses the rules of processing are defined by at least one of: a content management subsystem, a digital rights management subsystem, and predefined policy rules associated with the content (Agrawal- [0034]).

Considering **Claim 4**, the combination of Agrawal and Andrews discloses the defined sequence of decryption keys are sent from the second subsystem to first subsystem responsive to the defined validation logic of the selectively transmitted security tag vectors (Agrawal- [0048] lines 1-6).

Considering Claims 5 and 63, the combination of Agrawal and Andrews discloses the processing of streaming data packets is further comprised of processing logic ([0033] lines 1-3); and wherein the processing logic is further comprised of at least one of: a privileges table, a privileges decision-tree, pseudo random rendering logic, a streaming data packet header processing privileges decision-tree, a security tag processing logic, a streaming data packet identification processing logic, a secure time-stamp processing logic, a processing of streaming data packets with secure time-stamps, watermarking information processing, fingerprinting information processing, stenographic information processing, data embedding information processing, digital signature information processing, and a processing of streaming data packets with secure time-stamps that is responsive to UTC (coordinated universal time) (Agrawal-

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[0052] lines 7-11, [0053] lines 5-8, Andrews- column 2- lines 66-67, column 3- lines 1-15)).

Considering **Claim 7**, the combination of Agrawal and Andrews discloses at least one of: the logic of the first processing subsystem, the defined rules for processing, and the security tag vector generation are further characterized as responsive to a at least one of: a predefined schedule, a secure time-stamp, renewable codes and parameters, updated codes and parameters, a predefined schedule received from the second subsystem, a secure time-stamp received from the second subsystem, renewable codes and parameters received from the second subsystem, updated codes and parameters received from the second subsystem, a predefined schedule received from a third subsystem, a secure time-stamp received from a third subsystem, renewable codes and parameters received from a third subsystem, and updated codes and parameters received from a third subsystem (Agrawal- [0052] lines 7-11, [0053] lines 5-8, Andrews-column 1- lines 15-23, column 4- lines 42-46).

Considering **Claims 8, 9, and 81,** the combination of Agrawal and Andrews discloses at least one of: selected parts of the logic of the first processing subsystem, selected parts of the defined rules for processing, selected parts of the security tag vector generation, selected parts of the renewable codes and parameters, and selected parts of the updated codes and parameters are provided from an external storage medium which is at least one of: a smart card, a tamper-proof device, obfuscated storage, hidden

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storage, encrypted data storage, removable storage, a token card, and a metro card (Agrawal-[0041]- lines 19-25, Andrews- column 6- lines 64-67, column 7- lines 1-14).

Considering **Claims 12**, **45**, **46**, **62**, **72-74**, **85**, **99**, **and 100**, the combination of Agrawal and Andrews discloses an update/renewable controller providing at least one of: updated codes, updated parameters, update decryption codes, update decryption keys, update rendering codes, update playing codes, and updated secure time stamp to the first subsystem (Agrawal- [0015], [0052] lines 7-11, [0053] lines 5-8, Andrews-column 1- lines 15-23, column 4- lines 42-46).

Considering **Claim 13**, the combination of Agrawal and Andrews discloses a security management server (SMS) for providing update/renewable information to the update/renewable controller (Andrews- column 2- lines 52-65).

Considering Claims 16, 17, and 86-95, the combination of Agrawal and Andrews discloses the first/second subsystem is further comprised of cryptographic/validation modules (Agrawal- Fig. 2- item 34, Fig. 8, Andrews- Fig. 17); and wherein the cryptographic modules provide for at least one of: program authentication, user authentication, cryptographic authentication, application authentication, encryption, a secure time-stamp, a digital signature, watermarking information, IPSec (IP Security) functionality, TLS (Transport Layer Security)

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functionality, and SSL (Secure Sockets Layer) functionality (Agrawal- Fig. 2- item 34, Fig. 8, [0051]-[0052], Andrews- Fig. 17, col. 17- lines 10-13).

Considering Claims 11, 14, 21, 53, and 68-71, the combination of Agrawal and Andrews discloses the first subsystem further is included within a media player (Andrews- Fig. 1- item 30 and item 48), the media player is directly attached to at least one of: a video display, a TV display, a computer monitor, a handheld display, an audio speaker, a stereo audio system, a digital output system, an analog output system, and a media play buffer (Agrawal- [0041] lines 19-25, Andrews- column 6- lines 64-67, column 7- lines 1-14, Fig.1 – item 47), the media player performs at least one of: deleting streaming data packets after processing, deleting streaming data packets within a predefined time interval after processing, deleting streaming data packets after a defined number of times of processing, preventing copying of the streaming data packets, preventing printing of the streaming data packets, preventing sending of the streaming data packets, encrypting video rendering of content received in the streaming data packets, pseudo random video rendering of content received in the streaming data packets, encrypting video rendering of content stored in the first subsystem, and pseudo random video rendering of content stored in the first subsystem (Agrawal- [0051]-[0052], Andrews- column 2- lines 52-65, Fig. 15).

Considering **Claims 23-26 and 30**, the combination of Agrawal and Andrews discloses there is a plurality of the first subsystems, includes a media server whose

operations are responsive to the security tag vectors sent from the first subsystem, each coupled to the network and receiving streaming data packets from the second subsystem and a plurality of second subsystems coupled to the network, each sending a respective plurality of streaming data packets to the first subsystem (Agrawal- [0034]-[0035], Andrews- column 2- lines 52-65, column 6- lines 27-40).

Considering **Claim 29**, the combination of Agrawal and Andrews discloses the streaming data packets are sent using at least one of: Multicast, IP (Internet Protocol) Multicast, Secure IP Multicast, Group Key Management Architecture, Multi-Party Non-Repudiation Protocol, Group Communications, and Secure Group Communications (Agrawal- [0034]-[0035], Andrews- column 10- lines 60-67, column 11- lines 1-15).

Considering **Claims 32**, **51**, **and 102**, the combination of Agrawal and Andrews discloses the first subsystem is at least one of: a wireless device, a handheld device, a Wi-Fi device, a device operating in accordance with IEEE 802.11 family of standards, a device operating in accordance with IEEE 802.15, a 2.5G cellular telephone, a 3G cellular telephone, a 4G cellular telephone, a 5G cellular telephone, a personal computer, a set-top box, a device operating in accordance with UMTS (Universal Mobile Telephone System), and a device operating in accordance to the IEEE 802.3 family of standards (Agrawal- [0004], Andrews- column 6- lines 27-33).

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Considering Claims 33-36, and 44, the combination of Agrawal and Andrews discloses the first subsystem further comprises logic for generating and sending encryption keys to the second subsystem; and wherein the second subsystem uses the encryption keys for encrypting the streaming data packets prior to sending them., the encryption key is provided at least one of: periodically, at random times, at predefined time intervals, responsive to validating the received security tag vectors, and at predefined times derived from coordinated universal time (UTC) (Agrawal-[0051]-[0053]).

Considering Claims 39-41, 66, 67, 75, 76, 78, and 101, the combination of Agrawal and Andrews discloses producing the pseudo-random sequence of security tag vectors utilizing computation by at least one of: applying a pseudo-random generator, applying a pseudo-random function, applying a cryptographic function, applying an encryption function, applying a scrambling subroutine, applying an authentication function, applying a digital signing function, applying a cryptographic hash function, applying a subroutine, applying a computational logic module, applying a symmetric cryptography function, applying an asymmetric cryptography function, employing a cryptographic key, employing a cryptographic seed, employing an encrypted software, employing an obfuscated software, employing a hidden program, employing watermarking information, employing fingerprinting information, employing digital signature information, employing logic with a set of parameters, employing a hardware

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module, employing a smart card, employing a portable device, and employing a distributed protocol (Agrawal- [0052], [0059]).

Considering **Claim 43**, the combination of Agrawal and Andrews discloses a smart card that is part of the first computing element, and wherein selected modules and parameters of the plurality of software logic modules and parameters reside on the smart card (Agrawal- [0041] lines 19-25, Andrews- column 7- lines 8-14).

Considering **Claim 47**, the combination of Agrawal and Andrews discloses the renewing is performed in at least one of: periodically, at random times, at predefined times, at predefined times derived from coordinated universal time (UTC), responsive to receiving data by the first computing element, responsive to sending the security tag vectors, and responsive to sending data by the second computing element (Agrawal-[0012], Andrews- column 4- lines 42-46).

Considering **Claim 48, 49, and 50,** the combination of Agrawal and Andrews discloses erasing data from one of: solid state, a magnetic storage device, and an optical storage device, is performed responsive to at least one of: after predefined time, after the data was output to an output device, and after the data was output predefined number of times to an output device (Agrawal- [0012], Andrews- column 12- lines 53-67).

Considering **Claims 57-61**, the combination of Agrawal and Andrews discloses the tag generator includes a sequence number as part of the security tag vector and generates a comparison sequence number for selective comparison to the sequence number, the tag generator provides a secure time-stamp for selective comparison to the secure time-stamp that is part of the security tag vector (Agrawal- [0052]-[0054], [0059], Fig. 8- item 152).

2. Claims 6 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agrawal and Andrews in view of Capitant (US 2003/0078891), hereafter "Capitant".

Considering **Claims 6 and 22**, the combination of Agrawal and Andrews discloses the processing of streaming data packet is constructed with codes and parameters in accordance with trusted computing specifications, trusted computing based principles, validation of watermarking information, IPSec (IP Security) functionality, TLS (Transport Layer Security) functionality, and SSL (Secure Sockets Layer) functionality (Agrawal- [0061] lines 7-12).

The combination of Agrawal and Andrews does not explicitly disclose the processing of streaming data packet is constructed with codes and parameters in accordance with XrML (Extensible Rights Markup Language).

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Capitant discloses the processing of streaming data packet is constructed with codes and parameters in accordance with XrML (Extensible Rights Markup Language) ([0045]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Agrawal and Andrews by using XrML as taught by Capitant in order to provide a universal method for specifying rights and issuing conditions (licenses) associated with the use and protection of content (Capitant- [0045] lines 5-7).

3. Claim 65 is rejected under 35 U.S.C. 103(a) as being unpatentable over Agrawal and Andrews in view of Drake (US 6,006,328), hereafter "Drake".

Considering **Claim 65**, the combination of Agrawal and Andrews does not explicitly disclose the single logic program is written to be immune to reverse generation.

Drake discloses the single logic program is written to be immune to reverse generation (column 3- lines 45-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Agrawal and Andrews by the

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single logic program is written to be immune to reverse generation as taught by Drake provide computer software having enhanced security features, to a process which substantially enhances the security of computer software (Drake- column 3- lines 32-37).

### Response to Arguments

1. Applicant's arguments filed 11/7/2007 have been fully considered but they are not persuasive.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

With respect to applicants argument that Agrawal teaches the use of authentication tags to validate the identity at a second node, the identity of a first node. Applicant is directed to Agrawal- Fig. 2, [0038], [0050]. Agrawal discloses a controller for processing digital communication and interacting with the user. The data communication is made of data packets. Agrawal further discloses data communication between a receiving node and a sending node wherein the source of the

communication and its integrity is based on the authentication tags which are generated with each data packet.

### Conclusion

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randal D. Moran whose telephone number is 571-270-1255. The examiner can normally be reached on M-F: 7:00 - 4:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Randal D. Moran /RDM/

2/1/2008

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